



U.S. Department of Justice

United States Attorney
Southern District of New York

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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 29, 2016

BY ECF

The Honorable William H. Pauley III
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Raymond Lambis,
15 Cr. 734 (WHP)

Dear Judge Pauley:

The Government respectfully submits this letter to request a 30-day extension of the deadline to appeal the decision issued by the Court on July 12, 2016, granting the defendant's motion to suppress physical evidence. *See United States v. Lambis*, 15 Cr. 734, Dkt. No. 30. Pursuant to Rule 4(b)(1)(B)(i) of the Federal Rules of Appellate Procedure, and Title 18, United States Code, Section 3731, the Government must file its notice of appeal within 30 days after the entry of the order being appealed. Accordingly, the Government's deadline to appeal is currently Thursday, August 11, 2016. In addition, to permit the Government time to consider whether to appeal the order, the Government also respectfully requests an adjournment of the trial date in this case, currently scheduled for August 8, 2016. The defendant, through counsel, B. Alan Seidler, Esq., consents to the extension of time to file the notice of appeal as well as the adjournment of the trial date.

The Federal Rules of Appellate Procedure provide that "[u]pon a finding of excusable neglect or good cause, the district court may – before or after the time has expired, with or without motion and notice – extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)." *See Fed. R. App. P. 4(b)(4)*. In this case, the Government submits that it has good cause to request the 30-day extension because the decision – either to appeal or not appeal – rests with the Solicitor General's Office, and the Government may not receive the Solicitor General's final determination before the current appeal deadline.

In the absence of an extension, this Office is required by Department of Justice policy to protect the Government's appellate rights by filing a timely notice of appeal, the effect of which would be to cause the district court and the court of appeals to go to the effort of transferring the district court record and docketing the appellate case; work that would prove to have been

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unnecessary if the Solicitor General's Office thereafter directs this Office to withdraw the appeal. Accordingly, the Government seeks the requested extension to enable the Solicitor General's Office to complete its review and approval process without the need for such an appeal to be filed. In addition, the Government expects that any final determination regarding whether to appeal may not be made by the trial date in this case, currently scheduled for August 8, 2016. The Government accordingly also respectfully requests an adjournment of the current trial date for the reasons set forth above. The defendant, through counsel, consents to the request for an extension of time to file an appeal and the request for an adjournment of the trial date.

Respectfully submitted,

PREET BHARARA
United States Attorney

/s/

James McDonald
Assistant United States Attorney
(212) 637-2405

cc: B. Alan Seidler, Esq. (via ECF)

Application granted for good cause. 30 day extension
granted and trial adjourned.

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

8/8/16